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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,413	01/16/2004	Renny Tse-Haw Ling	LELI 3504	7491

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SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,413

Applicant(s)

LING ET AL.

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

SUPPLEMENTAL DETAILED ACTION

In view of the new discovery of applicable prior art, the following is a supplemental action on the merits.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,3,7,11-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chun-Te et al 5,868,012. Chun-Te et al teach a padlock casing 10, shackle 20, combination locking mechanism 12 for the second end of the shackle, a latching tube 15/153 within the casing and a stop member 14 integral therewith, with a hole to receive the first end of the shackle. The locking mechanism further comprises a shoulder 24 on the second end of the shackle such that when the locking mechanism is actuated the second end of the shackle can move axially.

3. Claims 1,3,4,6,8,10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith 1,755,521. Smith teaches a padlock casing 5, shackle 8, combination locking mechanism 47 for the second end of the shackle, a key lock pin tumbler cylinder latching tube 30 within the casing and a stop member 61 separate therefrom, with a hole and a stop block (between the blocking arms of 61) to receive the first end of the shackle. The locking mechanism further comprises a shoulder between holes 16,18 on the second end of the shackle such that when the locking mechanism is actuated the second end of the shackle can move axially. Smith also teaches the use of teeth in the form of link pins 86 for providing the operative connection (link 80) between the latch tube 30/27 and stop member 61.

4. Claims 1,8,11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yang 6,539,761. Yang teaches a padlock casing 1, shackle 2, combination locking mechanism 4 for the second end of the shackle, a keyed lock cylinder latching tube 3 within the casing and a stop member 34 separate therefrom. The locking mechanism

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further comprises a shoulder 231 on the second end of the shackle such that when the locking mechanism is actuated the second end of the shackle can move axially.

5. Claims 1-4,8,10,11,13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Taylor 2002/0088256. Taylor teaches a padlock comprising a shackle and casing and wherein after unlocking the lock mechanism (combination/ key cylinder with link 118 to sliding member 24), a thumb latch 24 may be actuated to axially depress a stop member 96 to release the toe portion of the shackle to rotate about the heel portion of the shackle and release the padlock.

6. Claims 1-4,7-9,11-13 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by either Loughlin et al 2004/0226324 or Loughlin et al 2004/0255624. Loughlin et al teach several embodiments of axially moving or rotating gate/retaining cup/stop members for releasing a toe portion of a shackle to rotate about the heel portion to release the padlock. With respect to claim 2, Loughlin provides a spring in one of the embodiments. With respect to claim 9, the Loughlin disclosure describes an alternate embodiment using a key lock cylinder to actuate the stop member and further providing a helix means to translate the rotational motion of the key cylinder to axial motion of the stop member.

It is noted that since the foreign priority conditions have not been met, and an English translation of the foreign priority document has not been furnished, Applicant is not accorded benefit of the 5/14/03 priority date. Thus, the Loughlin et al publications are applicable as prior art.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang 6,539,761 or Taylor '256 or Loughlin et al '624 or Loughlin et al '324. Yang, Taylor, Loughlin et al '624 and Loughlin et al '324 all teach a key actuated lock cylinder but fail to specify the type of cylinder lock. It is well known in the art to have key actuated lock cylinders comprising functionally equivalent disc tumblers or pin tumblers as desired. Accordingly, it would have been considered an obvious matter of design choice to provide the lock cylinder of Yang or Taylor or either Loughlin et al publication with either pin or disc tumblers as desired.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the cited art to Yu especially.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb